IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.52796-M of 2006
Date of Decision:- 27.11.2007

Gurpreet ....Petitioner(s)

through
Mr.Sandeep Bansal, Advocate

vs.

Rani Kaur and others ....Respondent(s)

through
Mr.Ashish Grover, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner-husband is aggrieved at the order dated 27.9.2005 passed by the learned Judicial Magistrate, Ist Class, Bathinda whereby his respondent-wife has been held entitled for interim maintenance of Rs.1000/- which includes Rs.250/- each for the two children as well as against the order dated 31.1.2006 passed by the learned Sessions Judge, Bathinda whereby the petitioner's revision petition against the afore-stated order was dismissed.

The main grievance of the petitioner appears to be that in the proceedings arising under the Hindu Adoption and Maintenance Act, 1956, the respondent-wife has already been awarded maintenance at the rate of Rs.2500/- per month which includes Rs.500/- per month each for their children and that the said amount has not been kept in view by the learned Judicial Magistrate while determining the interim maintenance.

Notice of motion was issued and in response thereto, the respondent-wife has put in appearance.

After hearing learned counsel for the parties and upon perusal of the impugned orders, I am of the considered view that no interference by this Court is called for. The maintenance awarded vide the impugned orders is admittedly of interim nature. Needless to say that the learned Judicial Magistrate shall be obligated to determine the estimated income of the petitioner as well as the source of income, if any, of the respondent-wife and thereafter only the amount of maintenance shall be fixed while arriving at the aforesaid conclusion. It is obvious that the learned Judicial Magistrate shall take into consideration the maintenance, if any, being paid by the petitioner to the respondent under the Hindu Adoption and Maintenance Act, 1956 as well.

Disposed of.

November 27, 2007 **(SURYA KANT)**
poonam **JUDGE**